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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,720	10/04/2001	David Ian Houlding	92717-315	3044

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EXAMINER

FOWLKES, ANDRE R

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/971,720

Applicant(s)

HOULDING, DAVID IAN

Examiner

Andre R. Fowlkes

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ ^{arguments} ~~new or amended~~ claim(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the ~~new or amended~~ claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-9, 11-15, 17, 18, 21, 22, 24-26, 32-34 and 41-44.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See item 13.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other: Applicant's arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:

1) The graphical representation of the underlying architecture is not dependent on a particular mode of the plurality of modes of operation of the visualizer, at p. 3:13-15, 5:5-16 and 5:26-6:7.

Examiner's response:

1) The Beatty/Weinberg combination discloses that the graphical representation is dependent on the particular mode of operation of the visualizer in the following three operating modes:

a) Beatty discloses a visualizer rendering graphical elements in a direct interaction simulation mode, "In an alternative embodiment (i.e. a direct interaction simulation mode) of the present invention, the system further comprises ... a plurality of user-selectable architectures corresponding to a plurality of DSPs, the system thereby allowing the user to select the particular DSP from the database. The present invention therefore can accommodate multiple DSP architectures that the user can recall at will", at col. 3:14-21.

b) Beatty discloses a visualizer rendering graphical elements in a prototype simulation mode, "In an alternative embodiment (i.e. a prototype simulation mode) of the present invention, the system further ... allows one or more of the user-selectable architectures correspond(ing) to DSPs that do not even exist (i.e. prototypes). This gives the user the unique advantage of being able to develop DSP software for a DSP that has not yet been produced (i.e. a prototype)", at col. 3:14-25.

c) Beatty discloses a visualizer rendering graphical elements in an architecture monitor mode, "The general purpose computer (i.e. visualizer) monitors the states allowing the architectural display circuitry to ... reflect changes in states", at col. 3:6-13.

In the remarks, the applicant has argued substantially that:

2) The Beatty/Weinberg combination does not suggest a visualizer rendering graphical elements in a direct interaction simulation mode, at p. 3:26-4:5.

Examiner's response:

2) Beatty discloses a visualizer rendering graphical elements in a direct interaction simulation mode, "In an alternative embodiment (i.e. a direct interaction simulation mode) of the present invention, the system further comprises ... a plurality of user-selectable architectures corresponding to a plurality of DSPs, the system thereby allowing the user to select the particular DSP from the database. The present invention therefore can accommodate multiple DSP architectures that the user can recall at will", at col. 3:14-21.

In the remarks, the applicant has argued substantially that:

3) The Beatty/Weinberg combination does not suggest a visualizer rendering graphical elements in a prototype simulation mode, at p. 4:9-17.

Examiner's response:

3) Beatty discloses a visualizer rendering graphical elements in a prototype simulation mode, "In an alternative embodiment (i.e. a prototype simulation mode) of the present invention, the system further ... allows one or more of the user-selectable architectures correspond(ing) to DSPs that do not even exist (i.e. prototypes). This gives the user the unique advantage of being able to develop DSP software for a DSP that has not yet been produced (i.e. a prototype)", at col. 3:14-25.

In the remarks, the applicant has argued substantially that:

4) The Beatty/Weinberg combination does not suggest a visualizer rendering graphical elements in an architecture monitor mode, p. 4:21-29.

Examiner's response:

4) Beatty discloses a visualizer rendering graphical elements in an architecture monitor mode, "The general purpose computer (i.e. visualizer) monitors the states allowing the architectural display circuitry to ... reflect changes in states", at col. 3:6-13.

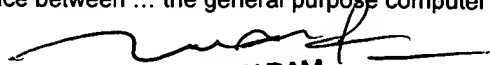
In the remarks, the applicant has argued substantially that:

5) The Beatty/Weinberg combination does not suggest a system for visualizing another distinct system.

Examiner's response:

5) Beatty discloses a system for visualizing another distinct system, "The general purpose computer (i.e. a system for visualizing another distinct system) monitors the states (of the distinct DSP system using an) ... interface between ... the general purpose computer and a real DSP (i.e. a distinct system)", at col. 3:6-13.

Applicant's reply has overcome the objection under 35 U.S.C. 132 and 37 C.F.R. 1.121.


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SUPERVISORY PATENT EXAMINER